

BAKER BOTTS L.L.P.
Jon V. Swenson (SBN 233054)
1001 Page Mill Road
Building One, Suite 200
Palo Alto, CA 94304-1007
Telephone: (650) 739-7500
Facsimile: (650) 739-7699
Email: jon.swenson@bakerbotts.com

BAKER BOTTS L.L.P.
John M. Taladay (*pro hac vice*)
Joseph Ostoyich (*pro hac vice*)
Erik T. Koons (*pro hac vice*)
Charles M. Malaise (*pro hac vice*)
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
Telephone: (202) 639-7700
Facsimile: (202) 639-7890
Email: john.taladay@bakerbotts.com
Email: joseph.ostoyich@bakerbotts.com
Email: erik.koons@bakerbotts.com
Email: charles.malaise@bakerbotts.com

*Attorneys for Defendant Koninklijke Philips Electronics N.V., and
Philips Electronics North America Corporation*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917

This Document Relates to:

Case No. C 11-6397 SC

COSTCO WHOLESALE CORPORATION,

Plaintiff,

v.

HITACHI, LTD., et al.,

Defendants,

**STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
SCHEDULE FOR THE PHILIPS
DEFENDANTS' MOTION, IN THE
ALTERNATIVE TO DISMISSAL, TO
COMPEL ARBITRATION**

MDL 1917
STIPULATION AND [PROPOSED] ORDER REGARDING BRIEFING SCHEDULE FOR THE
PHILIPS DEFENDANTS' MOTION, IN THE ALTERNATIVE TO DISMISSAL,
TO COMPEL ARBITRATION

1 WHEREAS, Costco Wholesale Corporation (“Costco”) filed a Complaint and Jury Demand
2 on November 14, 2011 in the United States District Court for the Western District of Washington
3 against Defendants Koninklijke Philips Electronics N.V. and Philips Electronics North America
4 Corporation (collectively the “Philips Defendants”), among others;

5 WHEREAS, on August 17, 2012, the Philips Defendants filed a motion to dismiss claims
6 asserted by the Direct Action Plaintiffs (“DAPs”), including Costco, against the Philips Defendants
7 on the basis that the claims were barred by the statute of limitations;

8 WHEREAS, on May 2, 2013, Special Master Legge issued a Report and Recommendation
9 recommending that, among other things, the Court grant the Philips Defendants’ motion and dismiss
10 the DAP claims against them without leave to amend;

11 WHEREAS, the Philips Defendants intend to move the Court to adopt Special Master
12 Legge’s Report and Recommendation as to the Philips Defendants’ motion which, if granted, would
13 dismiss the DAP claims against the Philips Defendants, including the claims asserted by Costco;

14 WHEREAS, the DAPs, including Costco, intend to file objections to portions of Special
15 Master Legge’s Report and Recommendation, including the portion recommending that the Court
16 grant the Philips Defendants’ motion and dismiss the DAP claims without leave to amend;

17 WHEREAS, on May 9, 2013, the Philips Defendants filed a Notice of Motion and Motion, in
18 the Alternative to Dismissal, to Compel Arbitration of Costco’s claims against the Philips
19 Defendants (the “Motion to Compel”);

20 WHEREAS, the Philips Defendants and Costco believe that the briefing schedule regarding
21 the various motions to adopt or reject Special Master Legge’s Report and Recommendations and the
22 Court’s resolution of those motions may take some months to resolve;

23 WHEREAS, the Court’s decision to adopt or reject Special Master Legge’s Report and
24 Recommendation may determine whether Costco may pursue its claims against the Philips
25 Defendants;

1 WHEREAS, in the interests of efficiency and preserving the resources of the Court and the
2 stipulating parties, the Philips Defendants and Costco submit that any further briefing regarding the
3 Philips Defendants' Motion to Compel should occur after the Court enters an Order adopting and / or
4 rejecting the various recommendations in Special Master Legge's Report and Recommendation; and

5 WHEREAS, counsel for the Philips Defendants and counsel for Costco have met and
6 conferred and have agreed upon a mutually acceptable briefing schedule relating to the Philips
7 Defendants' Motion to Compel;

8 IT IS HEREBY STIPULATED AND AGREED by and between the Philips Defendants and
9 Costco that, should it remain necessary after the Court enters an Order resolving the motions to
10 adopt and reject the Report and Recommendation:

11 1. Costco shall submit its Opposition ("Opposition") to the Philips Defendants' Motion to
12 Compel within thirty (30) days after the Court enters such an Order;

13 2. The Philips Defendants shall file their Reply Brief ("Reply") in support of their Motion to
14 Compel within twenty one (21) days after Costco files its Opposition; and

15 3. The Philips Defendants' Motion to Compel shall be heard twenty one (21) days after the
16 Philips Defendants file their Reply or at such time as the Court deems appropriate.

17
18 Dated: May 21, 2013

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20 Respectfully submitted,

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23 By: /s/ Jon V. Swenson
Jon V. Swenson (SBN 233054)
1001 Page Mill Road
Building One, Suite 200
Palo Alto, CA 94304
Telephone: (650) 739-7500
Facsimile: (650) 739-7699
Email: jon.swenson@bakerbotts.com

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1299 Pennsylvania Ave., N.W.
Washington, DC 20004-2400
Telephone: (202) 639-7700
Facsimile: (202) 639-7890
Email: john.taladay@bakerbotts.com
Email: joseph.ostoyich@bakerbotts.com
Email: erik.koons@bakerbotts.com
Email: charles.malaise@bakerbotts.com

*Attorneys for Defendants Koninklijke
Philips Electronics N.V. and Philips
Electronics North America Corporation*

By: /s/ David J. Burman
David J. Burman (admitted pro hac vice)
Cori G. Moore (admitted pro hac vice)
Nick Hesterberg (admitted pro hac vice)
Eric J. Weiss (admitted pro hac vice)
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000

Joren Bass, Bar No. 208143
JBass@perkinscoie.com
PERKINS COIE LLP
Four Embarcadero Center, Suite 2400
San Francisco, CA 94111-4131
Telephone: 415.344.7120
Facsimile: 415.344.7320

*Attorneys for Costco Wholesale
Corporation*

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Erik T. Koons, attest that concurrence in the filing of this document has been obtained from all signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of May, 2013, at Washington, DC.

/s/ Erik T. Koons
Erik T. Koons

1 IT IS SO RECOMMENDED.

2
3 DATED: _____

Hon. Charles A. Legge
United States District Judge (Ret.)
Special Master

4
5
6 IT IS SO ORDERED, BASED UPON THE RECOMMENDATION OF THE SPECIAL MASTER.

7
8 DATED: _____

Hon. Samuel A. Conti
United States District Judge

CERTIFICATE OF SERVICE

On May 21, 2013, I caused a copy of “STIPULATION AND [PROPOSED] ORDER RE: BRIEFING SCHEDULE FOR PHILIPS DEFENDANTS’ MOTION, IN THE ALTERNATIVE TO DISMISSAL, TO COMPEL ARBITRATION ” to be electronically filed via the Court’s Electronic Case Filing System, which constitutes service in this action pursuant to the Court’s order of September 29, 2008.

/s/ Jon V. Swenson
Jon Swenson